

HARRIS COUNTY EMERGENCY SERVICE DISTRICT NO. 47

MINUTES OF REGULAR MEETING

May 18, 2023

The Board of Directors of Harris County Emergency Service District No. 47 (“the District”) met in regular session, open to the public, on the 18th day of May 2023 at 7:00 p.m. at the Westlake Fire Department, 19636 Saums Rd., Houston, TX 77084, a designated meeting place of the Board. The roll was called of the duly constituted members of the Board, to-wit:

Mitch Copeland	President
John P. Blanke	Commissioner
Gilberto Porras	Vice President, Assist. Treasurer, Assist. Secretary, and Records Retention Officer
Brian Havran	Secretary and Public Information Officer
Mike Miller	Treasurer and Investment Officer

All Commissioners were present at the Fire Station except Commissioner Miller.

Also present at the fire station were “Butch” Callegari, Jr. of Callegari Law Firm, PC, Attorney for the District (“Attorney”); Marc Palmer, Interim Fire Chief of Westlake Fire Department; Brian Desilets of Clarity Consulting Corp., bookkeeper for the District; and Ginny Valls, recording secretary for the District.

Commissioner Copeland called the meeting to order at 7:17 p.m., and the following business was transacted.

There was no one from the public in attendance so the matter was deferred.

Comm. Copeland discussed the minutes from the April regular meeting. **Comm. Havran made a motion to accept the April regular meeting minutes as presented. Comm. Porras seconded the motion, and the motion was unanimously accepted by the District.**

Attorney Callegari discussed the retirement possibilities for the Department. Mr. Love was not able to attend the meeting tonight and Attorney Callegari has not heard back from VFIS. We will keep it on the agenda for next month.

The auditor is still working on the audit, so the matter was deferred.

Commissioner Copeland next discussed the bookkeepers’ report. Mr. Desilets presented the report for April 2023 to the District for their review. Mr. Desilets informed the District that the pledged collateral was insufficient for approximately one day due to a tax deposit late in the last day of the year. They have been made aware of it. The auditor may have an issue with it but may not want to pursue it due to there being no loss involved. We may want to deposit most of the funds into Texas Class at the end of the year. Approximately \$450K was at risk. Texas Class interest rate is 5.0697% right now. The amount of collected taxes does not match from page 10 to page 12. Mr. Desilets will look into it and feels it may be a timing issue or misclassification of an item. **After review, Comm. Porras’ motion, seconded by Comm. Havran to approve the Bookkeeper’s report, the District’s Financial Report, the Investment Report and payment of the bills as presented, received unanimous**

consent of the Board.

The sales and use tax collection was next for discussion. Mr. Fortner emailed the report to the District. The report, from April 2023, was reviewed. Comm. Havran noted that the collections from last year were higher. Attorney Callegari discussed a lawsuit the District may be part of. The portion the District may see is in the amount of \$2.44. **After review, Comm. Havran's motion, seconded by Comm. Porras, to approve the Sales Tax report received unanimous consent of the Board.**

Commissioner Copeland recognized Interim Chief Marc Palmer for consideration of the Fire Department report for the month of April 2023. Interim Chief Palmer presented copies of the written monthly report detailing the number of calls by category and the overall response times. Chief Palmer stated the department is still conducting territory tests, ensuring that members know how to get to calls. ESO has updated software and it makes it easier to see the out of District calls. The department has not been tracking back to back to back calls. Chief Palmer stated he can do that. Fall injury calls are close to the number one call. Fry Road MUD was discussed. They approved everything from the department's wish list. We will wait until after hurricane season to have the lift gate put on as it will take a few months to complete. Comm. Copeland asked about the lawsuit that Attorney Callegari emailed about. Attorney Callegari explained it was from a DWI incident and it was being investigated. Attorney Callegari referred the information to the Department's attorney Stu Levin for his review. The investigator contacted Battalion Chief Schwinn who was on duty at the time, and it was handled. Comm. Copeland stated that we may want to look ahead to ordering items that are coming up for replacement as many things are taking 12 months to get in. The truck for 2024 was discussed. The department will continue to utilize the booster as is and replacing it is not a priority at this time. Ms. Valls stated that she received a bill for the replacement of the overhead door and was told that Chief Draper stated that the department would pay the \$13,000.00 bill when the repairs were complete. Comm. Copeland recalled that the District was informed that the overhead door company was taking care of that. Ms. Valls was not sure if the District was going to pay for it or the Department. Attorney Callegari stated it was the responsibility of the department not the District per the contract. They did suggest offering to pay half since there was no documentation of the discussion between Chief Draper and Overhead Door. Ms. Valls will contact them. The dumpster area needs some attention as there is mold growing on the outside. The glass in the front on the display case needs to be cleaned or repaired and the Department is working on that. Chief Palmer was asked how the staffing issues have been. No real issues. We have had a few employees get injured and that has increased the need for staffing, but the department is averaging 12.5 people each night so there is not real issue at this time. We have had a couple of people come back and Chief Palmer stated he has talked to around 4 or 5 that want to come back. The open records request was discussed. The department had not responded yet and Attorney Callegari stated it should have been within 10 days. He also stated not to second guess their attorney and that she could have responded. Ms. Valls will contact the attorney and set up a time for them to review the information. **After review, Comm. Havran's motion, seconded by Comm. Copeland to approve the Fire Department's report as presented, received unanimous consent of the Board.**

The audit of the department's financials was deferred. We have not received a response from potential auditors. Attorney Callegari stated that the District could skip this year if needed since we cannot find anyone to perform the audit. The District could ask Mr. Ellis if McCall Gibson could do both. The District will revisit the situation in November.

There was no need to amend the District budget.

Retirement plans for firefighters were discussed earlier in the meeting. RIT is a big picture company and the District is not ready for that at this time. We received good information from her presentation, and she is sending more information to Attorney Callegari for him to utilize.

There was no need to convene to or reconvene from closed meeting, therefore it was deferred.

Comm. Havran asked Attorney Callegari to review a law that is being brought to the Governor soon. He will give report next month. The next meeting is June 15, 2023.

THERE BEING NO FURTHER DISTRICT BUSINESS TO CONDUCT, Comm. Havran motioned for adjournment at 8:26 p.m. Comm. Porras seconded the motion, which received the Board's unanimous consent.

Passed and approved (date)

Brian Havran, Secretary